

REMARKS*Brief Summary of the Present Invention*

The present invention relates to the polypeptides of SEQ ID NOS:2, 4, and 6 to polynucleotides encoding therefor, including the polynucleotides of SEQ ID NOS:1, 3, and 5 to polypeptides and polynucleotides homologous thereto, and to polynucleotides complementary to those polynucleotides. Also included in the present invention are an expression vector and host cell which produce the polypeptides of the present invention, a process for producing the polypeptides of the present invention, and a cell which produces these polypeptides.

In the Official Action of May 10, 1999, claims 5 and 24 were allowable, claims 1-4 were rejected, and claim 23 was objected to. Claims 6-22 and 25-27 were withdrawn as being drawn to the non-elected invention.

Claims 1, 4, 5, and 23 have now been amended and claims 2 and 3 have been cancelled without prejudice. Thus, claims 1, 4, 5, 23, and 24 are pending in this application. The amendments to the existing claims are fully supported in the specification and, thus, no new matter is added.

Rejections Under 35 U.S.C. §112(2)

Claims 1-4 stand rejected under 35 U.S.C. 112, second paragraph for reciting "percent identity." Applicants traverse this rejection and stand by all arguments set forth in the amendment filed on December 28, 1998. However, solely in the interests of expediting prosecution, and not acquiescing to any rejection, applicants have amended the claims to no longer recite "percent identity." Claims 2 and 3 have been cancelled and claim 5 has been narrowed in scope accordingly to recite, "consisting of" to avoid being a substantial duplicate of claims 1 or 4 as amended. Withdrawal of rejection is respectfully requested.

Objections under 37 CFR 1.75

Claim 23 was objected to under 37 C.F.R. 1.75 as allegedly being a substantial duplicate of claim 24. Applicants have amended claim 24 as requested by

the Examiner to recite, "consisting of" rather than comprising. This amendment obviates the objection. Applicants respectfully request withdrawal of the objection of claim 23.

Summary


Applicant acknowledges with appreciation Examiner's statement that claims 5 and 24 are in condition for allowance. In view of the foregoing amendments and remarks, Applicant contends that this application is in condition for allowance and respectfully request early and favorable notification to that effect.

Applicant reserves the right to prosecute, in one or more patent applications, the cancelled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. Any amendments made herein to the claims were made to solely expedite or otherwise facilitate prosecution and were not made, nor should they be construed to have been made, to overcome any issue of unpatentability of the claims as they existed prior to such amendments, nor do such amendments limit the scope of equivalents of the claims.

If it would expedite prosecution of this application, the Examiner is invited to confer with Applicant's undersigned attorneys.

Respectfully Submitted,

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